

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

<p>PRUVIT VENTURES, INC.,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">vs.</p> <p>AXCESS GLOBAL SCIENCES, LLC, and FOREVERGREEN INTERNATIONAL, LLC,</p> <p style="text-align: center;">Defendants.</p>	<p>Civil Action No. 4:15-cv-00571-ALM-CAN</p> <p style="text-align: center;">DEFENDANTS AXCESS GLOBAL SCIENCES, LLC AND FOREVERGREEN INTERNATIONAL, LLC’S <i>UNOPPOSED</i> JOINT MOTION TO FILE UNDER SEAL CERTAIN EXHIBITS TO THEIR MOTION FOR TEMPORARY RESTRAINING ORDER</p>
<p>FOREVERGREEN INTERNATIONAL, LLC</p> <p style="text-align: center;">Counterclaimant,</p> <p style="text-align: center;">vs.</p> <p>PRUVIT VENTURES, INC., LACORE LABS, LLC, TERRY LACORE, BRIAN UNDERWOOD, CHRISTOPHER N. HARDING, BILLY FUNK, RAY DIETRICH, ROBERT DEBOER, and MICHAEL RUTHERFORD,</p> <p style="text-align: center;">Counterclaim Defendants.</p>	<p style="text-align: center;">Honorable Judge Amos L. Mazzant</p>
<p>AND RELATED COUNTERCLAIMS AND THIRD-PARTY CLAIMS</p>	

Defendants and counterclaimants Axxess Global Sciences, LLC (“AGS”) and ForeverGreen International, LLC (“ForeverGreen”) (AGS and ForeverGreen are collectively referred to as “Counterclaimants”) hereby move the Court for leave to file the following exhibits under seal. The relief sought herein is *unopposed*.

Exhibit D to the Declaration of Gary Millet filed in support of Counterclaimants' Joint Motion for Temporary Restraining Order, Expedited Discovery, and Preliminary Injunction ("Joint Motion") is a copy of the Non-Exclusive Sublicense Agreement between Axxess Global Sciences, LLC and Pruvit Ventures, Inc., and contains sensitive confidential financial information.

Exhibit F to the Declaration of Gary Millet filed in support of Counterclaimants' Joint Motion is a document titled, "Certificate of Liability Insurance" and contains sensitive confidential social security information and insurance policy limits.

Exhibit A to the Declaration of Ron Williams filed in support of Counterclaimants' Joint Motion is a copy of the Sublicense Agreement re USF Technology between Axxess Global Sciences, LLC and ForeverGreen International, LLC and contains sensitive confidential financial information.

Exhibit B to the Declaration of Ron Williams in support of Counterclaimants' Joint Motion is a copy of a February 6, 2014 Letter of Intent, and contains sensitive confidential financial information.

Exhibit C to the Declaration of Ron Williams in support of Counterclaimants' Joint Motion is a copy a Wire Transfer Activity Detail report and contains sensitive confidential financial information.

Exhibit H to the Declaration of Ron William in support of Counterclaimant's Joint Motion is a copy a Career Placement Agreement between ForeverGreen International, LLC, Billy Funk and Ray Dietrich that contains confidential individual compensation information.

Exhibit K to the Declaration of Ron Williams filed in support of Counterclaimants' Joint Motion is a copy of the Sublicense Agreement re Vlahakos Technology between Axxess Global Sciences, LLC and ForeverGreen International, LLC and contains sensitive confidential financial information

Although "the public has a common law right to inspect and copy judicial records," that right is not absolute. *S.E.C. v. Van Waeyenberghe*, 990 F.2d 845, 848 (5th Cir. 1993) (citations omitted). Courts "must balance the public's common law right of access against the interests favoring nondisclosure." *Id.* (citations omitted). Interests favoring nondisclosure include documents that contain confidential financial information, *see Cooper Tire and Rubber Co. v. Farese*, Civ. No. 3:02-cv-210-SA-JAD, 2009 WL 514071 at *1 (Feb. 27, 2009), and information related to compensation of employees. *See Erwin v. Waller Capital Partners LLC*, Civ. No. 10-3283 (AET), 2012 WL 3528976 at *2 (Aug. 14 2002); *see also* Fed.R.Civ.P. 26(c)(1)(G) (noting that documents containing trade secrets or other confidential commercial information be protected).

Good cause exists for sealing the above-referenced documents. Defendants and Counterclaimants will suffer direct and serious harm if the above-referenced documents are publicly disclosed and thus made available to their business competitors. These records contain information relevant to a business competitor—not the general public. Defendants and Counterclaimants therefore respectfully request that the above-referenced documents be sealed. A proposed order is submitted herewith.

DATED: October 26, 2015

By: /s/ Charles L. Roberts

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CERTIFICATE OF CONFERENCE

Pursuant to Local Rule CV-7, the undersigned certifies that counsel for ForeverGreen International, LLC, Axxess Global Sciences, LLC and Plaintiff have conferred on the issues addressed herein. The Plaintiff does not oppose the relief sought in the Motion.

CERTIFICATE OF SERVICE

I hereby certify that on October 26, 2015, I caused a true and correct copy of the foregoing document to be filed with the Clerk of Court and served on all counsel of record via CM/ECF pursuant to Local Rule CV-5(a).

/s/ Larry R. Laycock

Larry R. Laycock